

Application No.: 10/607,716  
In response to Office Action Mailed Dec. 6, 2004

### **REMARKS/ARGUMENTS**

5 The Examiner is thanked for the insightful office action and for the productive telephones interview she graciously gave on Feb. 3, 2005 and Dec. 16, 2004, on this application and office action response.

The **telephone interview** touched on the following points:

10 The Examiner clarified the issues regarding the objections based upon 37 CFR 1.75(c). We discussed briefly some of the issues regarding product by process claims, as well as the terms of a process claim. These topics and the topic of patentability, partially discussed in the December telephone interview, are further expanded and developed. The presentation herein presents the Applicant's view on these interviews and what has come to be the response to the Examiner's  
15 Office Action of Dec. 6, 2004.

#### **Remarks regarding objections of the Claims based upon 37 CFR 1.75 (f)**

20 The Examiner has objected to the Claim numbering, correctly pointed out that a Claim number 6 is missing. The Claims listing includes the numeral 6, with a designation of (not entered). The Applicant requests that the Examiner remove this objection.

#### **Remarks regarding objections of the Claims based upon 37 CFR 1.75 (c)**

25 The Examiner has objected to **Claims 8, 17-20, 25, 27, 34-35, 38-39, 55, 60-61, 65, 67, 69, 71, 73-74, 78, 89, 92 and 94** as being of improper dependent form for failing to limit the subject matter of a previous claim. The Examiner has objected to these Claims as product by process claims failing the infringement test as stated in MPEP 608.01 (n) (III).

30 The Examiner is thanked for her insights into this issue, however the Applicant respectfully disagrees with the Examiner's objection. The product of a claimed process has the limitation of

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being made by that process. Such a product is infringing on a claim to the product of the process. Alternatively, an article identical in structure to the product, but whose manufacture is not within the scope of the claimed process, does not infringe the claim to the product of the process.

5 By way of example, consider the following thought experiment, which was partially presented in the telephone interview of Feb. 3. Suppose an inventor invents a new manufacturing process for a well known article, for example, aspirin. The inventor gains a patent claiming the new manufacturing process and the product of its process. Aspirin made by preexisting manufacturing methods would not infringe the product of process claims of the inventor's patent,  
10 but aspirin made by the new, claimed process, would infringe, irrespective of where the infringing manufacturing was performed.

Consequently, the Applicant submits that the infringement test as stated in MPEP 608.01 (n) (III) is met by these Claims, and requests that the Examiner remove this objection to these claims.

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**Remarks regarding Claims rejections based upon 35 USC 112, second paragraph**

Claims 1-5, 7-8, 12-14, 17-18, 21-23, 25-26, 35, 37, 40-43, 47, 53, 56, 59, 62-66, 69-70, 77, 79, 83-87, and 93 are rejected under 35 USC 112 second paragraph.

20

**Claims 1 and 56** stand rejected by the Examiner, in that a single claim includes both an apparatus and the method steps. The Applicant respectfully disagrees with Examiner.

While the Applicant does not agree with the Examiner's rejection of **Claim 1**, in order to expedite prosecution of the application Claim 95 has been added calling out the web view as an  
25 apparatus. Claim 1 has been amended to rely upon Claim 95. The Applicant's stance on this Claim is similar to the discussion of Claim 56 hereafter.

**Claim 1** also stands rejected in that it recites "said first server", which lacks antecedent. Claim 1  
30 has been amended to correct this inadvertent error.

1. (currently amended) A method for transacting business based upon ~~a~~said web view of Claim 95, comprising the steps of:

said first server interacting with ~~a~~said client via ~~a~~said client interface; and  
said first server providing said web view to said client interface;

~~wherein said web view includes:~~

~~means for said client interface presenting to said client at least one transaction as a corresponding item presentation in terms of a transaction detail;~~

~~means for said client interface developing said transaction detail for said transaction based upon said corresponding item presentation and based upon at least one cue from said client; and~~

~~means for said client interface using at least one navigation activator based upon at least one of said client cues, further including:~~

~~means for getting said transaction detail from said client interface to a second server via said first server; and~~

~~means for requesting a web navigation.~~

95. (new) An apparatus supporting transacting business, comprising:

a web view, including:

means for a client interface presenting to a client at least one transaction as a corresponding item presentation in terms of a transaction detail;

means for said client interface developing said transaction detail for said transaction based upon said corresponding item presentation and based upon at least one cue from said client; and

means for said client interface using at least one navigation activator based upon at least one of said client cues, further including:

means for getting said transaction detail from said client interface to a second server via a first server; and

means for requesting a web navigation.

Based upon the added Claim 95 and the amendments made to Claim 1, the Examiner is requested to remove the 35 USC 112 rejections to Claim 1.

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Claim 56 has been amended to more fully clarify this process of the invention. Patentability of a process requires it to have a tangible effect, which further requires that the process must tangibly affect something. The Applicant believes both this and Claim 1, as initially filed, are proper process claims. These process claims are part of a tradition in patent law dating from at least the early twentieth century. To continue the previously developed thought experiment as an illustrative example, making aspirin requires ingredients and some sort of equipment, which create the needed conditions supporting the combining of ingredients to create the product aspirin. The elements of this Claim provide an ingredient, the web view is used by the process steps in conjunction with the first server, the client interface, and the client. For this reason, the Applicant requests the rejection of Claim 56 be removed.

56. (currently amended) A method processing a business transaction for a client by a client interface communicating with a first server using a web view, comprising the steps of:

interactively presenting said web view, including a corresponding item presentation, to said client to create a transaction detail, further comprising the steps of:

presenting at least one of said transactions as a-said corresponding item presentation based upon said transaction detail; and

responding to said client cue based upon said corresponding item presentation to develop said transaction detail for said transaction;

using at least one navigation activator based upon a cue from said client to communicate said transaction detail with a second server via said first server, further comprising the steps of:

getting said transaction detail to said second server via said first server; and

requesting a web navigation based upon said client cue;

~~wherein said web view includes said corresponding item presentation.~~

Based upon this amendment and the preceding argument, the Examiner is requested to remove this rejection to Claim 56.

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Claims 59, 62-66, 69-70, 77, 79, 83-87, and 93 are dependent upon Claim 56, and inherit its limitations. The Applicant requests that the rejection of these Claims be removed, based upon the amendment and the arguments of Claim 56 given above.

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Claims 2 and 8 stand rejected in reciting the limitation "member of the collection" in line 1 of each claim. These Claims have been amended to following.

2. (currently amended) The method of Claim 1, further comprising at least one ~~member of the collection comprising~~ the steps of:

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retrieving at least part of said web view from a storage system;  
generating at least part of said web view from at least one direction from the client interface based upon a cue from said client; and  
receiving at least part of said web view from a database system.

8. (currently amended) Each ~~member of the collection comprising~~  
said transaction detail getting to said second server via first server from said client interface, and  
said web view provided to said client interface, as products of the process of Claim 1.

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20 The Examiner is requested to remove this rejection from the amended Claims.

Claim 17 stands rejected in reciting "purchase fee" in line 1, with insufficient antecedent basis. This Claim has been amended to correct this inadvertent error.

17. (currently amended) Said ~~purchase-server service~~ fee as a product of the process of Claim 16.

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The Examiner is requested to remove this rejection from this amended Claim.

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**Claim 18** stands rejected in reciting "purchase revenue" and "financial action" in line 1 with insufficient antecedent basis. This Claim has been amended to correct this inadvertent error.

18. (currently amended) Said purchase revenue and said financial action as products of the process of Claim ~~40~~15.

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The Examiner is requested to remove this rejection from this amended Claim.

**Claims 3-5, 7, 57, 41-42 and 83-84** stand rejected as Claims. The Examiner asserts they do not distinctly show how the method of Claim 2 is affected. The Applicant disagrees, in that these  
10 Claims call out several distinctive configurations in which the method of Claim 2 can be practiced.

By way of example, systems are configured, bought and sold based upon the terms of a server, a storage system, and a database system. These terms have been part and parcel of the computer  
15 systems business since at least the 1990's. The server may be distinct from of the storage system and/or the database system, as in Claim 3. The server may include of the storage system and/or the database system, as in Claim 4. The server may be coupled to the storage system and/or the database system, as in Claim 5.

20 The method of Claim 2 is claimed to operate in each of these configurations. For these reasons, the Applicant requests that this rejection of these Claims be removed.

### **Remarks concerning patentability**

25 **Remarks regarding rejections based upon 35 USC 101**

**Claims 1-94** are rejected under 35 USC 101.

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Claims 1, 9, 16, 23, 29, 36, 56, 58, 64, 68, and 70 stand rejected because these claims are seen as directed to neither a process nor a machine, but rather embraces two difference statutory classes of invention.

5 The Applicant does not agree with this rejection of these Claims. The Applicant finds that 35 USC 101 states "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 USC 100 states  
10 'The term "process" means process, art, or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.' Methods and processes to comply with these parts of US patent law must have a tangible effect, must use and/or create apparatus or tangible entities.

Computer related inventions must be distinguished over algorithms, mathematical formulae,  
15 and/or the operations of nature, by having an effect. They must operate upon something and/or generate something.

For these reasons, the Applicant believes these claims comply with 35 USC 101, calling out processes which use machines and material, the web view, in several Claims, making the critical  
20 materials of electronic commerce, transactions, commitments, and revenues. The Applicant requests the Examiner to remove this rejection to these Claims.

Further, while the Applicant does not agree with the rejection, the amended **Claim 1** and new Claim 95 do first point to the structure of the web view in Claim 95, and then its use in Claim 1.  
25

1. (currently amended) A method for transacting business based upon a-said web view of Claim 95, comprising the steps of:

said first server interacting with a-said client via a-said client interface; and

said first server providing said web view to said client interface;

30 ~~wherein said web view includes:~~

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~~means for said client interface presenting to said client at least one transaction as a corresponding item presentation in terms of a transaction detail;~~

~~means for said client interface developing said transaction detail for said transaction based upon said corresponding item presentation and based upon at least one cue from said client; and~~

~~means for said client interface using at least one navigation activator based upon at least one of said client cues, further including:~~

~~means for getting said transaction detail from said client interface to a second server via said first server; and~~

~~means for requesting a web navigation.~~

95. (new) An apparatus supporting transacting business, comprising:

a web view, including:

means for a client interface presenting to a client at least one transaction as a corresponding item presentation in terms of a transaction detail;

means for said client interface developing said transaction detail for said transaction based upon said corresponding item presentation and based upon at least one cue from said client; and

means for said client interface using at least one navigation activator based upon at least one of said client cues, further including:

means for getting said transaction detail from said client interface to a second server via a first server; and

means for requesting a web navigation.

Based upon the added Claim 95 and the amendments made to Claim 1, the Examiner is requested to remove the 35 USC 101 rejection to Claim 1.

Claims 2 to 55 are dependent upon Claims 1 and 95, and as such now can be seen to distinguish process and apparatus more clearly. By the reasoning previously presented combined with the arguments regarding Claims 1 and 95, the Examiner is requested to remove the 35 USC 101 rejection to these Claims.



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Claim 56 has been amended to more fully clarify this process of the invention. Patentability of a process requires it to have a tangible effect, which further requires that the process must tangibly affect something. The Applicant believes both this and Claim 1, as initially filed, are proper process claims. These process claims are part of a tradition in patent law dating from at least the early twentieth century. To continue the previously developed thought experiment as an illustrative example, making aspirin requires ingredients and some sort of equipment, which create the needed conditions supporting the combining of ingredients to create the product aspirin. The elements of this Claim provide an ingredient, the web view, is used by the process steps in conjunction with the first server, the client interface, and the client. For this reason, the Applicant requests the rejection of Claim 56 be removed.

56. (currently amended) A method processing a business transaction for a client by a client interface communicating with a first server using a web view, comprising the steps of:

interactively presenting said web view, including a corresponding item presentation, to said client to create a transaction detail, further comprising the steps of:

presenting at least one of said transactions as a said corresponding item presentation based upon said transaction detail; and

responding to said client cue based upon said corresponding item presentation to develop said transaction detail for said transaction;

using at least one navigation activator based upon a cue from said client to communicate said transaction detail with a second server via said first server, further comprising the steps of:

getting said transaction detail to said second server via said first server; and

requesting a web navigation based upon said client cue;

~~wherein said web view includes said corresponding item presentation.~~

Based upon this amendment and the preceding argument, the Examiner is requested to remove this rejection to Claim 56.

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Claims 57-94 are dependent upon Claim 56, and inherit its limitations. The Applicant requests that the rejection of these Claims be removed, based upon the amendment and the arguments of Claim 56 given above.

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**Remarks regarding rejections based upon 35 USC 102 and 103**

Claims 1-5, 7, 9-10, 21-22, 40-46, 48, 50, 52-54, 56-59, 62, 72, 75-76, 80, 82-88, and 90 stand rejected under 35 USC 102(b) as anticipated by Clark et al. (US Patent Application Publication 2002/01433622).

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Claim 1 stands rejected as anticipated by Clark et al. (US Patent Application Publication 2002/01433622). The Applicant disagrees. Clark does not provide a web view which is provided by the first server to the client interface. Instead "the client receives the transmitted controls structures and data. The control structures provide for causing the client to display a prompting and reporting screen 2 (Fig. 2) that includes price-list area 230 (Fig. 2) for showing offered items and a shopping-cart area 250 (Fig. 2) for showing an extended-price containing a list of items copied from the price list. The data transmitted from the server to the client provides for defining a set of categories to be shown in the prompting and reporting screen, the set of categories including a plurality of classes for prompting the operator to cause of transmission of class identifying data. When the operator chooses one of the set of categories, the client transmits class-identifying data to the server. Following that transmission of class-identifying data, the relevant flow of actions now occurs at the server." (Clark paragraphs 26-27).

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25 The web view includes (now Claim 95)

means for a client interface presenting to a client at least one transaction as a corresponding item presentation in terms of a transaction detail;

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means for said client interface developing said transaction detail for said transaction based upon said corresponding item presentation and based upon at least one cue from said client; and

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means for said client interface using at least one navigation activator based upon at least one of said client cues.

The web view does not require the first server to send anything else to create the transaction or develop its details. Clark's set of categories, which when an operators selects one, requires more activity, and bandwidth, and delay from the server before anything can actually lead to a transaction. Clark does not teach nor suggest this combination of elements. Clark does not point to the inefficiencies inherent in his approach, and thus provide a reason to combine that disclosure with other prior art.

The Applicant further contends that the cited prior art does not individually nor collectively teach the elements the web view of Claim 95, much less their use as found in Claims 1 to 55. The Applicant submits that experiments have consistently shown a significant decrease in traffic bandwidth for a given amount of transactions processed using standard server technology as of the time of filing this application.

Moreover, the speed with which the clients can complete a transaction is consistently improved. On dial-up connections, the improvement on the client side can be a factor of 12 to 16 times faster. In a demonstration of this technology in the financial district of San Francisco the week before Christmas, 2004, Ms. Rippingale showed a well known commercial web site, Barnes and Noble, over a high speed interface (DSL) to have 3 to 4 times slower performance for the client than this invention using the web view. The demonstration of the web view contained these elements, which were the heart of its efficiency.

For these reasons, the Applicant requests that the Examiner remove this rejection of **Claim 1**, and based upon the previous discussion and amendment of this Claim place it in condition for allowance. The Examiner is further requested to put **Claim 95** in condition for allowance.

**Claims 2 to 55** are dependent upon Claim 1 and stand rejected under 35 USC 102 and 103.

These Claims inherit the limitations of Claims 1 and 95, and as such, the arguments the Applicant provided above are applicable.

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The web view does not require the first server to send anything else to create the transaction or develop its details. Clark's set of categories, which when an operators selects one, requires more activity, and bandwidth, and delay from the server before anything can actually lead to a transaction. Clark does not teach nor suggest this combination of elements. Clark does not point to the inefficiencies inherent in his approach, and thus provide a reason to combine that disclosure with other prior art.

The Applicant further contends that the cited prior art does not individually nor collectively teach the elements the web view of Claim 95, much less their use as found in Claims 1 to 55. The Applicant submits that experiments have consistently shown a significant decrease in traffic bandwidth for a given amount of transactions processed using standard server technology as of the time of filing this application.

Moreover, the speed with which the clients can complete a transaction is consistently improved. On dial-up connections, the improvement on the client side can be a factor of 12 to 16 times faster. In a demonstration of this technology in the financial district of San Francisco the week before Christmas, 2004, Ms. Rippingale showed a well known commercial web site, Barnes and Noble, over a high speed interface (DSL) to have 3 to 4 times slower performance for the client than this invention using the web view. The demonstration of the web view contained these elements, which were the heart of its efficiency.

For these reasons, the Applicant requests that the Examiner remove the rejection of **Claims 2 to 55**, and based upon the previous discussion of these Claims place them in condition for allowance.

**Claim 56** stands rejected as anticipated by Clark et al. (US Patent Application Publication 2002/01433622).

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56. (currently amended) A method processing a business transaction for a client by a client interface communicating with a first server using a web view, comprising the steps of:

interactively presenting said web view, including a corresponding item presentation, to said client to create a transaction detail, further comprising the steps of:

presenting at least one of said transactions as ~~a~~ said corresponding item presentation based upon said transaction detail; and

responding to said client cue based upon said corresponding item presentation to develop said transaction detail for said transaction;

using at least one navigation activator based upon a cue from said client to communicate said transaction detail with a second server via said first server, further comprising the steps of:

getting said transaction detail to said second server via said first server; and

requesting a web navigation based upon said client cue;

~~wherein said web view includes said corresponding item presentation.~~

The Applicant disagrees. Clark does not provide a client interface providing the elements of this Claim. Instead "the client receives the transmitted controls structures and data. The control structures provide for causing the client to display a prompting and reporting screen 2 (Fig. 2) that includes price-list area 230 (Fig. 2) for showing offered items and a shopping-cart area 250 (Fig. 2) for showing an extended-price containing a list of items copied from the price list. The data transmitted from the server to the client provides for defining a set of categories to be shown in the prompting and reporting screen, the set of categories including a plurality of classes for prompting the operator to cause of transmission of class identifying data. When the operator chooses one of the set of categories, the client transmits class-identifying data to the server. Following that transmission of class-identifying data, the relevant flow of actions now occurs at the server." (Clark paragraphs 26-27).

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The Applicant further contends that the cited prior art does not individually nor collectively teach the elements Claims 56. The Applicant submits that experiments have consistently shown a significant decrease in traffic bandwidth for a given amount of transactions processed using standard server technology as of the time of filing this application.

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Moreover, the speed with which the clients can complete a transaction is consistently improved. On dial-up connections, the improvement on the client side can be a factor of 12 to 16 times faster. In a demonstration of this technology in the financial district of San Francisco the week before Christmas, 2004, Ms. Rippingale showed a well known commercial web site, Barnes and Noble, over a high speed interface (DSL) to have 3 to 4 times slower performance for the client than this invention using the web view. The demonstration of the web view contained these elements, which were the heart of its efficiency.

For these reasons, the Applicant requests that the Examiner remove this rejection of Claim 56, and based upon the previous discussion and amendment of this Claim place it in condition for allowance.

Claims 57 to 94 are dependent upon Claim 56 and stand rejected under 35 USC 102 and 103. These Claims inherit the limitations of Claim 56, and as such, the arguments the Applicant provided above are applicable.

The web view does not require the first server to send anything else to create the transaction or develop its details. Clark's set of categories, which when an operators selects one, requires more activity, and bandwidth, and delay from the server before anything can actually lead to a transaction. Clark does not teach nor suggest this combination of elements. Clark does not point to the inefficiencies inherent in his approach, and thus provide a reason to combine that disclosure with other prior art.

The Applicant further contends that the cited prior art does not individually nor collectively teach the elements the web view of Claim 95, much less their use as found in Claims 1 to 55. The Applicant submits that experiments have consistently shown a significant decrease in traffic

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10 elements, which were the heart of its efficiency.

For these reasons, the Applicant requests that the Examiner remove the rejection of **Claims 57 to 94**, and based upon the previous discussion of these Claims place them in condition for allowance.

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**Summary of Remarks and Arguments**

The amendments as presented do not introduce new matter, nor do they represent an agreement with the Examiner's rejection of the Claims. The amendments have been made strictly for the  
20 purpose of expediting the prosecution of this patent application.

Applicant invites the Examiner to contact Earle Jennings, as listed below, for a telephonic interview if so doing would expedite the prosecution of the application.

25 Very respectfully submitted,

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